
How do I deal with people who want to smoke?

You or your staff must remind them of the Act and politely explain that they must step outside to smoke.

What do I do about a customer who refuses to comply?

Use common sense. The purpose of the Act is to protect others from the harmful effects of secondhand smoke. Use your normal protocol for removing a customer from the premises.

What if I choose not to ask customers to stop smoking?

If you fail to comply with the Act, an employee or member of the public may contact your local health department to file a complaint.

What are the penalties?

A person who smokes in violation of the Act is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

A person in charge of an indoor public place or workplace who refuses or fails to comply with the Act is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

How will the Act be enforced?

Compliance is the responsibility of the person having control of an indoor public place or place of employment under this Act.

Enforcement of the Act also will be achieved by a complaint system. Employees and the public may report violations of the Act to their local health departments.

How can I find more information?

For more information about the Act visit www.smokefree.nj.gov.

How can I file a complaint?

To file a complaint, contact your local health department whose telephone number is in the government section of your telephone book.

How can I support my employees and patrons if they want to quit smoking?

If you smoke and want to quit, or you want to support your employees or patrons who want to quit, New Jersey provides the following free services:

- NJ Quitline at 1-866-NJ-STOPS (1-866-657-8677)
- NJ QuitNet® at www.nj.quitnet.com

Both services provide personal, professional counseling and support.

Or you can visit www.njquit2win.com for free materials that you can copy and give away or use to create a “quit smoking program” in your workplace.



Preparing for a Smoke-Free New Jersey.

Understanding the Smoke-Free Air Act

A Guide for Restaurants and Bars



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Effective April 15, 2006, indoor public places and workplaces across the State will be smoke free. This includes bars and restaurants. The Act ensures that workers have a safe work place and that all nonsmokers, including children and senior citizens, can breathe smoke-free air in the public places they visit.

What is the Smoke-Free Air Act?

The Smoke-Free Air Act (P.L. 2005, c.383) prohibits smoking in indoor public places and workplaces to protect employees and the public from secondhand smoke. The Act states that *tobacco smoke constitutes a substantial health hazard*, and therefore, *it is clearly in the public interest to prohibit smoking in enclosed indoor places*. New Jersey is the eleventh state in the nation to pass a comprehensive smoke-free workplace act. California was first in 1998, Delaware has been smoke free since November 2002, and New York enacted their smoke free law in July 2003.

What is secondhand smoke?

Secondhand smoke is the combination of smoke exhaled by a smoker and the smoke from a burning cigarette. This combination is dangerous for both the smoker and the nonsmoker. It contains more than 4,000 chemicals, including 69 known and probable cancer-causing substances. The U.S. Environmental Protection Agency estimates that secondhand smoke kills 62,000 nonsmokers each year in the United States. This includes between 1,000 and 1,800 New Jerseyans.

Why do we need to ban smoking in restaurants and bars?

Waitresses have higher rates of lung and heart disease than any other traditionally female occupational group, according to a study published by the *Journal of the American Medical Association*. According to the same study, one shift in a smoky bar is equivalent to smoking 16 cigarettes a day. According to the UC Berkeley School of Public Health, two hours in a smoky bar is the same as smoking four cigarettes.

How will this affect business and tourism?

Studies of cities and states with smoke free workplace laws that include bars and restaurants provide strong evidence that the law will have a neutral or even a positive impact on the business. One year after the New York City smoke free workplace law went into effect in March 2003 business receipts for restaurants and bars had increased, employment rose, virtually all establishments were complying with the law, the number of new liquor licenses issued had increased, and tax receipts had increased 8.7% in the first 10 months over the same period the year before the law was enacted – all signs that bars and restaurants were

prospering. Additional studies of smoke-free workplaces, including restaurants and bars, show profits increase with the increased productivity of their employees and a decrease in maintenance costs.

What does the Act require me to do?

Beginning Saturday, April 15, 2006, you may not allow smoking at your establishment. If you see customers smoking, you or your staff must tell them not to smoke indoors. With some exceptions, they are free to smoke outdoors.

Do I need to post signs?

Yes. A “No Smoking” sign must be prominently posted at every public entrance and properly maintained where smoking is prohibited. These signs must state that violators may be fined. Signs must also be posted in areas where smoking is permitted.

Am I required to provide a smoking break room for my employees?

No. In fact, the Act generally applies to all indoor public places and workplaces, and break rooms are not allowed. Businesses with separately ventilated rooms for their smoking employees or smoking customers cannot allow smoking in these rooms or anywhere else in the building.